

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BRIAN CHARLES VAETH

Plaintiff,

v.

Case No. ELH-18-1600

**MAYOR & CITY COUNCIL OF BALTIMORE,
FIRE & POLICE EMPLOYEES' RETIREMENT
SYSTEM OF BALTIMORE**

Defendants,

MOTION FOR ENTRY OF DEFAULT JUDGMENT

Plaintiff, Brian Charles Vaeth, requests that the clerk of the court enter a Default Judgment against Defendants the Mayor and City Council of Baltimore City and the Fire and Police Employees Retirement System of Baltimore City pursuant to Fed. R. Civil. P 55(b)(2). In support of this request Plaintiff submits a memorandum accompanying this motion and affidavit.

Dated this 30th day of July 2018

Respectfully,

Brian Charles Vaeth
8225 Poplar Mill Road
Nottingham, Maryland 21236
443-604-0610

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BRIAN CHARLES VAETH

Plaintiff,

v.

Case No. ELH-18-1600

**MAYOR & CITY COUNCIL OF BALTIMORE,
FIRE & POLICE EMPLOYEES' RETIREMENT
SYSTEM OF BALTIMORE**

Defendants,

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION FOR
ENTRY OF DEFAULT JUDGMENT FROM THE CLERK OF THIS COURT**
(Hearing Requested)

Pursuant to Federal Rule 55(b)(2), Plaintiff, Brian Charles Vaeth, seeks the entry of a default judgment from the clerk of this Court against Defendants the Mayor and City Council of Baltimore City and the Board of Trustees for the Fire and Police Employees Retirement System of Baltimore. The Defendants were served with the summons and Complaint but failed to file an answer or otherwise defend their actions upon the expiration of the date in which their response was due on July 10, 2018.

As demonstrated in the past, the Plaintiff has no reasonable expectation to believe that Defendants will cooperate with Plaintiff and, therefore, this motion is necessary. As there is no sum that is certain, with respect to the relief requested in the complaint, Plaintiff respectfully requests a hearing before this Court to ascertain the proper relief that the Court may grant.

I. FACTUAL AND PROCEDURAL BACKGROUND

A. Plaintiff's Allegations

Plaintiff filed the Complaint in the above-entitled action on June 4, 2018, alleging that the Defendants committed Fraud on this Court in a previous action before it for the sole purpose of unjustly prevailing in a lawsuit that was brought by Plaintiff in this Court associated with a line-of-duty injury he

suffered. As indicated by the affidavit accompanying this memorandum, Defendant's response is more than two weeks late, at this time.

Plaintiff was a highly qualified firefighter for the City of Baltimore, given the number of departmental commendations he received that recognized the extraordinary performance of his duties, until his career was ended by medical representatives for the City of Baltimore upon suffering a disabling spinal cord injury while fighting a five-alarm fire. Evidence presented in this matter demonstrates that Plaintiff was seriously injured in the line-of-duty in August of 1996. Plaintiff had surgery and returned to the full scope of his duties, as a firefighter following that injury. Plaintiff also filed a report of the incident with the Workers Compensation Commission of Maryland, as required by the Manual of Procedures for the Baltimore City Fire Department.

B. Disqualified from Duty, the First Time 2000 & Denied Disability Retirement Benefits

In March of 1999, Plaintiff suffered a recurrence of that injury and was deemed to be disqualified from performing the duties of a firefighter by the medical director of the Public Safety Infirmary at Mercy Medical Center (Mercy P.S.I.). He was ordered to file an application for disability retirement benefits from the Fire & Police Employees Retirement System of Baltimore City (F&PERS). A hearing was conducted before the Panel of Hearing Examiners, wherein Plaintiff was awarded Ordinary Disability Benefits.¹ Plaintiff disputed this erroneous decision by filing an appeal in the Circuit Court for Baltimore City. Before the Court could decide the merits of the appeal, Plaintiff was reinstated to the full performance of his duties and the appeal was ultimately dismissed. For Defendants to characterize this as Plaintiff choosing to go back to work, rather than accept the "Ordinary Disability Benefit" is a total misrepresentation of the facts by Defendants and is purposeful in its intent to deceive. Defendants know, as the legal representative for the Mayor and City Council of Baltimore, that this is not how the process works. Plaintiff never asserted that he was ever disabled from his duties, as evidence shows this determination was made by medical staff for Mercy PSI. Plaintiff filed a notice to the Workers

¹ Findings of Mr. Frederick McGrath for the Panel of Hearing Examiners, Bd. of Trustees, F&PERS, Sep. 2000

Compensation Commission of issues related to the worsening of his condition due to this event and Defendants were ordered to pay all obligations to medical professionals and to Plaintiff.

C. Disqualified from Duty, the Second Time 2003 & Denied Disability Retirement Benefits

As a result of the line-of-duty injury suffered in 1996, which required the additional surgery to be performed in July 1999, Plaintiff experienced another incident of extreme pain and had to endure an additional surgery in August of 2002 for the narrowing of the vertebral disc space that was causing compression on the nerve roots. Plaintiff was disqualified from returning to his duties by the medical director of Mercy P.S.I. under the provisions of the National Fire Protection Agency for the physical standards of firefighters, of which were adopted as the standards for the Baltimore City Department. Again, Plaintiff was ordered to file an application for disability retirement benefits from the Fire & Police Employees Retirement System of Baltimore by the Chief of Fire Department, due to the medical director of the Public Safety Infirmary at Mercy Medical Center (Mercy P.S.I.) disqualifying Plaintiff from his duties for the second time. A Functional Capacity Examination was not performed by Mercy P.S.I. prior to December 28, 2002, Plaintiff's "Cut-Off date" from City employment.

Plaintiff was found to be not disabled from the further performance of his duties, as a firefighter and he was denied from receiving any benefit whatsoever.² Plaintiff disputed the determination of the hearing examiner and filed an appeal in the Circuit Court for Baltimore City. The appeal was dismissed for lack of prosecution in November of 2004. It is absolutely ludicrous for Defendants to characterize this, as Plaintiff "walking away" from that appeal by choosing not to pursue it, thereby, ending their involvement in this matter. Plaintiff will show that Defendants involvement did not end in 2004, although try as they may, Defendants, by and through their counsel, fail to represent their actions properly.

D. Appeal of the Panel of Hearing Examiners for the Bd of Trustees, F&PERS 2003

² Findings of Mr. Frederick McGrath for the Panel of Hearing Examiners, Bd. of Trustees, F&PERS, Aug. 2003

As aforementioned, Plaintiff filed a timely appeal of the decision of the Panel of Hearing Examiners for the Board of Trustees, F&PERS, in the Baltimore City Circuit Court for Baltimore City, in October of 2003, only days before he had the spinal fusion surgery performed. As is typical of someone who has this type of surgery, Plaintiff's recovery time was extended. It required Plaintiff to remain in body cast for approximately 6 months. Plaintiff was notified that the appeal was dismissed for lack of prosecution by the Plaintiff while he was recovering from this extensively invasive surgery. Upon this notification, Plaintiff immediately sought to reopen the appeal for good cause but this request was denied. It was impossible for Plaintiff to demonstrate his inability to prosecute the appeal, while recovering from extensive spinal surgery that left him largely immobilized for the first 6 months and taking prescription pain medication, because the medical records were not being provided to him, only to Defendants, as they were responsible for paying the costs of the vocational rehabilitation program, as directed by the Workers Compensation Commission. Defendants were well aware of this situation, yet they failed to disclose it to the Court, and characterize this as Plaintiff simply walking away and abandoning the appeal when they knew the reason for it. Plaintiff was self-represented in the matter before the Circuit Court for Baltimore City.

E. Exhaustion of Administrative Remedies

Plaintiff began the exhaustion of administrative remedies available to him prior to filing suit in the courts. As Plaintiff settled the Workers Compensation claim, due to the extreme financial position the matter has subjected him to, he received the final payment from Defendants associated to the Workers Compensation claim in September of 2006.

Plaintiff sought redress of this matter through corresponding with the Mayor of Baltimore City on several occasions. Complaints were also filed with various boards and commissions in Baltimore City that were charged with oversight to investigate the matter of the hearing examiner's decision and their refusal to reinstate Plaintiff, as provided for by Maryland law. One such filing was with the EEOC and the Maryland State office that oversees the Maryland Fair Employment Practices Act. The complaint was rejected due to Plaintiff being medically disqualified by the employer with no rational basis for the denial

being provided in writing to explain that determination. Plaintiff was accompanied by another firefighter to the meeting with the EEOC, as a witness to the process.

The only investigation ever completed was by conducted by the Mayor of Baltimore's Office of Constituent Services and the findings of that investigation recommended Plaintiff be reinstated to his duties. **(See Complaint Email of Mayor's Office of Constituent Services. Ex. 12)** This request was ultimately denied for reasons that were not readily available to Plaintiff, as the law seems to be pretty clear on it.

F. In the United States District Court

In the proceeding at question before this Court, case number RDB-08-708, Plaintiff filed an action seeking justice in this matter. The complaint alleged disability discrimination under the Americans With Disabilities Act, 42 U.S.C. § 1981, et seq., disability discrimination under the Rehabilitation Act, 29 U.S.C. § 701, et. Seq., disability retaliation under Maryland's Fair Employment Practices Act, Md. Ann. Code, Art. 49B, § 16(a)(1)-(2) and (f), violations of the Due Process and Equal Protection Clauses under the 14th Amendment to the United States Constitution, judicial misconduct, and breach of contract. Plaintiff alleged that his rights were violated, in relation to his separation from his job after being determined to be medically disqualified from the duties of being a firefighter by the medical director of the Public Safety Infirmary at Mercy Medical Center. This case was originally filed in the Circuit Court for Baltimore City in December of 2007 and was removed to this Court in March of 2008.

G. Defendants Efforts to Deceive this Court

Defendants, having not filed answer in that action, instead filed a Motion to Dismiss or in the Alternative for Summary Judgment. Their memorandum supported the motion by statements presented by counsel for Defendants only without evidence to support them.

Plaintiff attempted to obtain the evidence he needed to overcome Defendant's motion by requesting his employment and medical files from the City of Baltimore, of which the Defendants had complete control over. Access to those files were continually denied by the City. Plaintiff filed a Motion to Compel Discovery, so he could obtain that evidence, however, the Court dismissed the complaint

before reaching the merits of the case on the representations made by Defendants that were based largely on an affidavit submitted by counsel for Defendants that was falsely manufactured.

The affidavit, which was fabricated by Division Chief Rod Devilbiss, Jr., for the Defendants was fraudulent because Chief Devilbiss attested to the fact that he was “competent to swear oaths”, to “give testimony in a court of law”, that he had “personal knowledge of the matter” and was “competent to testify” to those matters.

Division Chief Devilbiss, Jr. also attested to the fact that Plaintiff was a firefighter for the City from 1993 until December 28, 2002, that he had rights under the Baltimore City Charter, Baltimore City Code, and the Rules of the City of Baltimore Civil Service Commission. The affidavit continues to state that under the Rules of the Civil Service Commission,

“...an employee who has reason to believe that his removal is without just cause...shall file within five days after the receipt of an order of removal, a request in writing that the Commission investigate his or her removal and shall contain a statement that he believes that the removal was without just cause as required in the Civil Service Commission Rules...After a diligent search, BCFD can locate no notice of a request to investigate a removal without just cause on behalf of Brian Charles Vaeth to the Baltimore City Civil Service Commission.”

Chief Devilbiss, Jr., completes the affidavit with the following statement:

“I SOLEMNLY DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY AND UPON PERSONAL KNOWLEDGE THAT THE CONTENTS OF THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE THAT THE CONTENTS OF THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.”

If that affidavit is to be accepted as true, Chief Devilbiss would certainly have been aware of the fact that a firefighter, who was similarly situated as Plaintiff, would have filed an appeal in dispute of the determination of the hearing examiner and was placed into a Vocational Rehabilitation Program, due to the assumed disability by the City, as found by the Maryland Workers Compensation Commission. He would then have found that a dispute was filed with the results of that effort, due to the decision of the hearing examiner being contradictory to the agency’s determination that Plaintiff was not disabled from the full performance of his duties as a firefighter for the Baltimore City Fire Department made while he

was being assessed in the Vocational Rehabilitation Program, as ordered by the Workers Compensation Commission. Division Chief Devilbiss, Jr., should have been made available to testify, as to what his exact actions were to uncover the dispute that was required to permit Plaintiff's claim to proceed to the Discovery phase of that litigation. The Baltimore City Solicitor was well aware of these facts, as well and must not be permitted to attempt to besmirch the character or reputation of such a highly respected Division Chief of Administration, as well as that of a globally renowned organization, such as the Baltimore City Fire Department, whose members provide outstanding service to the citizens of Baltimore in every situation wherein the fire service is needed.

To the contrary, this affidavit demonstrates that Division Chief Devilbiss, Jr., is woefully unqualified to hold such a high-ranking position in charge of the administration of a department and doesn't demonstrate the knowledge required of what members under his administration are subjected to when injured in the line-of-duty when he is called on to provide to an attesting to facts of which should be very knowledgeable to him. If incompetence is demonstrated in this matter by Chief Devilbiss, Jr., it would be the first time Plaintiff ever heard of it and rejects the notion that the Chief would knowingly participate in such a misleading scheme against a member of the department under his command.

Plaintiff contends that newly discovered evidence will show that this information was withheld from Chief Devilbiss, Jr., by the Defendants to obstruct his review of this matter in an effort for Defendants to prevail, despite the damage to not only Plaintiff's reputation but that of the judiciary, as well.

H. Workers Compensation & Vocational Rehabilitation

Plaintiff was placed in Vocational Rehabilitation, as a result of an award by the Workers Compensation Commission, due to Plaintiff being separated from his employment on December 28, 2002. This effort sought to find Plaintiff suitable employment due to that separation. Plaintiff's ability to be gainfully employed included medical examinations, in relation to the injury, to properly place him in the workforce. The program was not set up in response to the decision reached at the administrative hearing. That hearing didn't occur until June of 2003.

Plaintiff was scheduled for a Functional Capacity Examination which was performed in March of 2003 to assess his ability to perform work, approximately four months after his separation from the department. No evidence of the injury, or Plaintiff's medical condition was provided to these examiners, as evidence shows he was awaiting surgery to repair damage to his spine. This information was deliberately withheld from the examiners. The findings of that examination opined that Plaintiff was "self-limiting" or misrepresenting his abilities. Had those examiners been provided the information that Plaintiff was awaiting surgery, they would never have concluded such a false notion.

Plaintiff received the determination of the hearing examiner's findings that Plaintiff was not disabled from the performance of his duties on September 9, 2003, he filed a timely appeal of the decision with the Circuit Court for Baltimore City, and he had the spinal surgery that was required in October of 2003. None of this information was submitted by the City of Baltimore to the hearing examiner prior to his determination in the September 2003 decision. The Record Before the Panel of Hearing Examiners for the F&PERS, submitted as evidence with the complaint, clearly demonstrates this fact. Plaintiff was not provided any records resulting from the vocational rehabilitation program, which included the medical records. Those records were provided to Plaintiff's attorney of record for the matter before the Workers Compensation Commission and not as counsel for the administrative hearing. Plaintiff was self-represented at that hearing, and as his Union, Local 734 had not been receiving payroll deducted dues payments he was not considered a member. Therefore, Plaintiff had no representation from his recognized bargaining unit for firefighters at any time after December 28, 2002.

Upon Plaintiff's release from the doctor who performed the spinal fusion surgery in March of 2004, the vocational rehabilitation program continued.

I. The Decision in RDB-08-708

The Court found that Plaintiff's claims all suffered from procedural flaws that prevented the Court from reaching the merits of the allegations contained in it. From the Court's opinion it states the following:

“Therefore, without making any findings on the veracity of the underlying factual contentions, this Court must dismiss Plaintiff’s case with prejudice.”

The Court continued to state:

“Counsel for Defendants indicated at the hearing of August 7, 2009, that there are three key dates that are repeatedly relevant in reviewing Plaintiff’s claims. Those dates are: (1) December 22, 2002, Plaintiff’s last day of employment with the Baltimore City Fire Department; (2) August 31, 2003, the day Plaintiff was denied full line-of-duty benefits for the last time; and (3) March 17, 2008, the date Plaintiff filed this lawsuit. Another relevant date that is worth mentioning at the outset is November 7, 2007, the date that Plaintiff alleges that he filed a complaint with the EEOC.”

The Court then explains that the lawsuit was dismissed because Plaintiff should have brought his claims within the three-year statute of limitations in Maryland.

Plaintiffs took the litigation into a world of total make believe. In what has become typical behavior from Defendants, they used their position of trust to manipulate the proceedings to work only in their favor. The fraudulent affidavit, along with the testimony of counsel for Defendants, had the effect of dismissing the lawsuit.

Whether it is in the administrative hearing process, or in the courts, it makes no difference to Defendants. Their ultimate goal is to deliberately deceive and if people’s lives are destroyed in the process, so be it.

J. Additional Filings in this and the U.S. District Court of Appeals

Plaintiff filed a Motion to Reconsider the Court’s order based upon the failure of Defendants to disclose key facts and relevant evidence that has infected every facet of litigating this matter. As Plaintiff did not have the evidence available to demonstrate the factualness of his arguments, only his testimony, as the City controlled it all and continued to deny Plaintiff access to it, the motion was denied. Plaintiff filed an appeal of the decision of this Court in the U.S. Court of Appeals, but that appeal offered no evidence that the Court erred. Without the relevant evidence, how could it? As stated, Plaintiff does not allege that the Court was corrupted by Defendant’s actions. It is Plaintiffs contention that the Court was as much a victim of the fraud, as Plaintiff was.

In 2011, Plaintiff filed a separate action WDQ-11-0182, seeking to redress the fact that Plaintiff was not re-examined for his fitness for duty annually, as provided for in Article 22 of the Baltimore City Code. In this action, Defendants asserted the same fraudulent defense before the Court and the complaint was dismissed for res judicata. Again, Defendants denied access to the evidence, Plaintiff's employment and medical files. Without it, Plaintiff could not properly present his case. A subsequent appeal was denied by the U.S. Court of Appeals. This means that the fraud was perpetrated on both this Court on two different occasions and in the appeals that followed those dismissals. In total, the fraud has been committed before city and state investigatory agencies, and on several courts.

Because of the fraud, Plaintiff has not been provided a fair and equal opportunity to present his claim to this Court.

K. New Evidence Not Available to Plaintiff Prior to 2016

A. The Baltimore Sun

Upon the unfortunate circumstances surrounding the death of Freddie Gray, while in the custody of the Baltimore Police Department, a period of civil unrest prompted the Mayor of Baltimore City Stephanie Rawlings-Blake, to request an investigation of the U.S. Department of Justice Office of Civil Rights into the pattern and practice of the department. The findings of that investigation were quite shocking to say the very least. It found that misconduct ran rampant through the department, investigations were not being conducted properly, evidence was mishandled, or overlooked, and even destroyed. What is most disturbing of all is the finding that an unconstitutional scheme was perpetrated on citizens of Baltimore that led to the unlawful arrest of tens of thousands of people every year. The Baltimore City Solicitor is the legal representative of the Mayor's Office, in relation to the officers of the Baltimore Police Department whose office supported the misconduct demonstrated by the department to assist in accomplishing the City of Baltimore's "Zero-Tolerance Policy" on crime that was started by former Mayor Martin O'Malley. The findings were so reprehensible, the U.S. DOJ referred to the City's actions, as not just a mere pattern and practice of misconduct, but a culture of corruption that led to many people being subjected to unconstitutional violations of their rights.

Plaintiff's continual complaints to the City of Baltimore were identical to the findings of the United States Department of Justice, as evidence shows Plaintiff forwarded to Defendants identical complaints on many occasions long before the events that prompted the federal investigation. These complaints occurred while seeking a review of the misconduct demonstrated by them in this matter and the evidence of which are quite voluminous. Evidence shows that the City Solicitor used this process to obstruct justice and manipulate investigations being conducted into the matter to be dropped. All requests for investigations, wherein the City Solicitor had influence over the boards and commissions performing them, were rejected. Much of this obstruction of justice continues at the present time.

Newspaper articles that were published in the Baltimore Sun during the times relevant herein demonstrate the true motive and the intent of then Mayor of Baltimore City Martin O'Malley to "crackdown" on the abuse of injury leave time, or "A" time, by City employees.³ The Mayor began what was called the "Return to Work" initiative and it resulted in a 30% to 60% decline in "A" time abuses. City employee injuries were being investigated and for the first time, in 2000, they began keeping detailed statistics on "A" time in each City department. Those numbers were then fed into Citi-Stat, the City's new computerized statistics tracking system that was guiding Mayor O'Malley's efforts to make City government more efficient. It is obvious that members of the fire and police departments became a statistic that was to be eliminated. Members were never placed into an "Attendance Monitoring Plan" for abusing leave time, as is provided for in the Manual of Procedures for the Baltimore City Fire Department that outlined the policies relating to, among other things, disciplining members for violating City employment rules.

On August 15, 2002, the Baltimore Sun reported that in a continuing push to privatize City services, the Baltimore City Board of Estimates hired a hospital and a management company yesterday (8-14-2002) to examine City Workers Compensation Claims.⁴ The contracts were awarded to Mercy

³ Exhibit 1 Baltimore Sun Newspaper Article "City Aching Over Abuse of Paid Medical Leaves" Neal Thompson 2/25/2001

⁴ Exhibit 2 Baltimore Sun Newspaper Article "Health Services to be Privatized" Laura Vozzella 8/15/2002

Medical Center to operate the Public Safety Infirmary for \$2 million dollars, and to Comp Management for \$4 million dollars. These two companies had already been operating these services on behalf of the City long before 2002. Evidence shows that they were involved with the City of Baltimore, as far back as 1999, around the same time as Mayor O'Malley's "Return to Work" initiative began. The idea for privatizing the clinic stemmed from a May 2001 study by the Greater Baltimore Committee. A comment in the article from a Union official that represents City and State employees stated that, "It doesn't take a genius to know that private companies will make medical decisions based on the bottom line." City officials said that the deals would save the City money in large part because the contractors will do a better job of detecting fraud and getting injured employees back to work. These companies had an interest in reducing the numbers of suspected "A" time abusers, as they had to demonstrate that they could be successful at the objective of the Mayors "Return to Work" initiative before the City would award those companies contracts to perform those services in 2002.

Another report by the Baltimore Sun on December 17, 2002, demonstrated that Comp Management made a mistake that created pay delays for City employees who were receiving Workers Compensation benefits.⁵ An AFSCME (American Federation of State and County Municipal Employees) said that his office received hundreds of complaints about missing checks, workers being forced back to work before they are treated and other problems since Comp Management and PSI were hired to save money. Mercy Hospital received \$2 million dollars and Comp Management received \$4 million dollars for those contracts as part of a plan to cut 42 City employees and close a City run health clinic for employees. The deal has been a nightmare, according to a City official. Mayor Martin O'Malley stated that, "These sort of growing pains and operational glitches are inevitable whenever you make a change. We will resolve the issues." This case clearly demonstrates that those issues were not resolved.

As aforementioned, the scheme began after former Mayor Martin O'Malley's Chief of Staff, Michael Enright, made a surprise visit to the office that handled workers' compensation claims for city

⁵ Exhibit 3 Baltimore Sun Newspaper Article "Company's Mistake Creates Pay Delays for City Workers" Tom Pelton 12/17/2002

and school employees.⁶ In the article, it was reported that, "Most of the workers were missing, at lunch Michael R. Enright was told, although the hour was 2 p.m. There was paper everywhere," Enright said, "piled on desks and crammed into shelves, defying any organized filing system." And near the entrance hung a picture of the Mayor, former Mayor Kurt L. Schmoke, that is. Essential documents relating to Plaintiff's injury were in the custody of that office because the claim was still open and the remainder of the closed file was in the custody of Comp Management for management of employee injury related incidents.

The lack of supervisory control of the chain of custody of these records caused this information to be withheld from the hearing examiner and subsequently caused the misconduct to be perpetrated on the Court, as the incomplete medical record was introduced as evidence in this matter. The City Solicitor's Office, in concert with the F&PERS, sought to conceal this information rather than comply with the law regarding the submission of evidence and perpetrated a fraud on the court to cover up their incompetence. Had the City Solicitor complied with the law, as an officer of the court is required to, the unlawful concealment would not have occurred and Plaintiff would not be seeking justice in such an extraordinary manner. He has asked for, on numerous occasions, the results of investigations that have been performed by any City agency upon the conclusion of the hearing before the F&PERS, which is mandated by the Baltimore City Code to ensure that fairness was upheld in the proceeding before the board, commission, or agency in which was before them or any other investigation undertaken, as a result. None of these requests have been honored to this date. It can logically be assumed that the City Solicitor's fraud has infected any investigation that has been completed that involved obtaining any evidence from the City of Baltimore. As of this date, this information has not been provided to Plaintiff. As a result of the fraud, Plaintiff has actively sought the assistance of the Maryland State's Attorney, the Maryland Attorney General, the FBI, and the US Department of Justice but has been refused without an investigation being conducted. It is alleged that Defendants used their position of trust, as officers of the court to obstruct

⁶ Exhibit 4 Baltimore Sun Newspaper Article "Workers' Comp Reform Pays Off" Laura Vozzella 1/25/2005

justice in this matter by deceiving those responsible for looking into the matter into prematurely ending those investigations.

B. The FBI, the United States Department of Justice, and Local Law Enforcement

As evidence shows, Plaintiff approached the FBI to forward criminal allegations of perjury committed by the Defendants in this Court. That agency received the complaint but “shelved” it, as was explained to Plaintiff in a follow up call made to assess the status of the investigation. After having to file a FOIA request for the status of that investigation, Plaintiff received documents that shows the investigation was not conducted due to Plaintiff seeking civil relief in the matter. Plaintiff was seeking the criminal indictments of Defendants in presenting those allegations, not civil relief.

Plaintiff then sought the assistance of the United States Attorney for Maryland by filing a complaint with Mr. Alan Loucks, an assistant attorney in that office. Mr. Loucks informed Plaintiff that the complaint would be placed in a “black box” and never see the light of day again. Upon following up with the United States Department of Justice Division of Civil Rights, where the complaint was forwarded to, Plaintiff was informed that the complaint was lost.

Plaintiff then approached the Baltimore City Office of Civil Rights, upon the firing of City Solicitor George Nilson for what was misconduct demonstrated in the execution of duties. With his termination, this amounted to every representative for the City of Baltimore that was involved in the administration of Plaintiff’s injury being fired for demonstrating the same wrongful behavior, as the City Solicitor. A proper complaint was filed with that office and Plaintiff was informed and assured that a proper investigation would be performed. After a period of six months, wherein Plaintiff was interviewed on multiple occasions that included turning over evidence that he had to them, Plaintiff was informed by telephone that the Office of Civil Rights abandoned his complaint, without providing a reasonable explanation detailing their decision in writing, as mandated.

Plaintiff then sought the assistance of the Baltimore Police Commissioner and was informed that the department does not have jurisdiction to investigate crimes committed by Baltimore City officials. The police commissioner then advised Plaintiff that his complaint was being forwarded to the Baltimore

City Inspector General. Plaintiff met with agents of the Baltimore City Inspector General in February of 2017 and provided evidence to support his claim. After a period of no contact from the Inspector General, Plaintiff was re-interviewed by agents of that office and as no contact was made with Plaintiff following that interview either, Plaintiff commenced the process of filing an action in the Circuit Court for Baltimore City to compel Defendants to pay the medical bills that were outstanding, due to their failure to uphold their obligations to Plaintiff.

C. The Baltimore Brew

While waiting for a follow up call from the Baltimore Inspector General's Office, in relation to the supposed investigation was being performed, the Baltimore Brew, a respected news source that typically covers news that other print media doesn't, published a report that detailed more disturbing allegations of misconduct. The article disclosed information that the Baltimore Inspector General's Office was rendered inert and ineffective due to the Mayor ordering them not to investigate senior city officials.⁷ Plaintiff alleged that this conduct was ongoing long before 2017.

D. Matthew Petty v. Baltimore City

In December of 2017, Plaintiff received information wherein the Baltimore City Solicitor admitted in a proceeding before the Circuit Court for Baltimore City that they routinely withhold relevant evidence from the courts, as a practice. The Court disagreed with that assertion and caused the matter to be re-submitted to the administrative hearing examiner for a determination that was more consistent with all of the evidence submitted. Plaintiff's allegations were the same in the numerous complaints he filed with the City of Baltimore, however, the City chose to take absolutely no action whatsoever on them.

E. Statement of Deputy Chief Duane Dodwell on the Leadership of the BCFD

In April of 2018, a retiring Deputy Chief published a letter on the internet that was critical of the command staff of the Baltimore City Fire Department. Among the very serious allegations contained in the letter included amoral character, the lack of personal and professional integrity, and the

⁷ The Baltimore Brew "How Baltimore's Inspector General's office get defanged." Dec. 22, 2017

demoralization of the Baltimore City Fire Department as an organization, they mirror the many complaints Plaintiff has submitted to the Mayor and City Council of Baltimore City in the past. The Deputy Chief continues to allege bullying and details of efforts to cover up the violating of department policies by the command staff. It details outright incompetence, but more importantly, it details an alleged conspiracy between the recognized bargaining unit for employees conspiring with the command staff to violate the policies of the Baltimore City Fire Department in promotional opportunities for a member.⁸ The allegations made by the Deputy Chief in that letter are identical to the allegations Plaintiff made in complaints that were rejected without a reasonable explanation for the lack of action on them.

II. FRAUD ON THE COURT

The concept of fraud upon the court challenges the very principle upon which our judicial system is based, the finality of a judgment, and in assessing the actions of Defendants there can only be two logical conclusions that a trier of the fact can reach. One could be that it was due to incompetence. The other could be that it was a matter of retaliation by an employer on an employee for exercising a legitimate, legal right. Regardless of speculation, the findings of that assessment will certainly show that the actions demonstrated by the City of Baltimore resulted in an effort to cover up their wrongdoing and obstruct this Court from performing its normal judicial function. In so doing, the City abandoned their obligation to not only Plaintiff, but to many other members of the Baltimore City Fire and Police Departments who have become disabled in the line-of-duty. While this has been known to occur for years, how extensively this contributed to the culture of corruption that is being nurtured in Baltimore City is just coming to light.

In order to meet the necessarily demanding standard for proof of fraud upon the court there must be: (1) an intentional fraud; (2) by an officer of the court; (3) which is directed at the court itself; and (4) in fact deceives the court. The doctrine has been characterized “as a scheme to interfere with the judicial machinery performing the task of impartial adjudication, as by preventing the opposing party from fairly

⁸ “Final Thoughts” BCFD Deputy Chief Safety and Risk Management

presenting his case or defense.” In *re* Coordinated Pretrial Proceedings in Antibiotic Antitrust Actions, 538 F.2d 180, 195 (8th Cir. 1976) (citations omitted); see also *Rozier v. Ford Motor Co.*, 573 F.2d 1332, 1338 (5th Cir. 1978) (holding “only the most egregious misconduct, such as bribery of a judge or members of a jury, *or the fabrication of evidence by a party in which an attorney is implicated*, will constitute a fraud on the court”). Additionally, fraud upon the court differs from fraud on an adverse party in that it “is limited to fraud which seriously affects the integrity of the normal process of adjudication.” *Gleason v. Jandrucko*, 860 F.2d 556, 559 (2d Cir. 1998). The fraud on the court must constitute “egregious misconduct . . . such as bribery of a judge or jury or *fabrication of evidence by counsel*.” In *re* Coordinated Pretrial Proceedings in Antibiotic Antitrust Actions, 538 F.2d at 195 (citations omitted).

As has been set forth in the complaint, [t]imely and responsibly meeting the medical and basic living expenses of firefighters who are determined to be disabled after being injured in the line-of-duty is not just a legal obligation, but a moral one. In no way should the failure of officials within the City of Baltimore to properly maintain and submit the complete medical files of injured members to investigatory authorities create obstacles bound to worsen the physical and financial conditions of members of the department who have suffered debilitating injuries. The lack of responsible oversight has only empowered the City of Baltimore to nurture the culture of corruption that our elected and appointed officials have cultivated and has been supported by the Office of the Baltimore City Solicitor.

III. MARYLAND WORKERS COMPENSATION

The purpose of the Maryland Workers’ Compensation Act, Md. Code Ann., Lab. & Empl. (1991, 2016 Repl. Vol.) (“LE”) §§ 9-101 to 9-1201, “is to protect workers and their families from hardships inflicted by work-related injuries by providing workers with compensation for loss of earning capacity resulting from accidental injury arising out of and in the course of employment.” *Hollingsworth v. Severstal Sparrows Point, LLC*, 448 Md. 648, 655, 141 A.3d 90, 94 (2016) (citation and internal quotation marks omitted). For purposes of the Workers’ Compensation Act, “an accidental injury that arises out of and in the course of employment” is known as an “accidental personal injury[.]” LE § 9

101(b)(1). As evidence shows, Plaintiff was subject to an award from the Commission and was ordered into Vocational Rehabilitation upon the “Cut-Off” of his City employment on December 28, 2002, due to the assumed disability of Plaintiff by the employer.

IV. POST TRAUMATIC STRESS DISORDER & FIREFIGHTERS

Studies show that responding to traumatic, often graphic, emergencies have an impact on firefighters and paramedics. These experiences are found to have caused PTSD at rates similar to those found in combat veterans. PTSD in firefighters occurs about three to five times more than in the general population and is one factor that explains the higher rates of suicide among them. The culture of the fire service calls for them to “suck it up” and they do not acknowledge the psychological or physical toll it takes on them. It leads to other issues such as depression, substance abuse, anxiety, and mental illness, as well.

Plaintiff served in one of the busiest fire suppression units in the Baltimore City Fire Department, Truck Company #1. Plaintiff also worked for other firefighters who needed time off. Firefighters are scheduled to work on not only holidays, but days that may cause them to miss out on important family events like the christening of their newborns, or the first birthdays of their sons or daughters, weddings, etc. Plaintiff worked for those firefighters on his days off, so they could attend to their affairs. Plaintiff questions whether any other Baltimore City firefighter experienced more incidents of trauma than Plaintiff did, at the time of his medical disqualification, let alone having to suffer a traumatic event of their own which they lost everything that they owned due to an arbitrary and capricious determination of a hearing examiner that was prejudiced and the City of Baltimore who was willing to cover it up.

Plaintiff has demonstrated all of the symptoms related to PTSD but has never been assessed for having it. Plaintiff alleges that not only was he forced to proceed with the administrative hearing with a medical disability, as he was being surgically treated for a severe spinal cord injury that required a very invasive surgery and lengthy recovery process, Plaintiff was prescribed medication that did not permit him to actively participate in the proceeding due to the diminished mental capacity taking such medication presents. Had Plaintiff been called to testify in a court of law, his testimony would not have

been allowed due to his being under the influence of that prescription medication that would allow for the attack on his credibility, as is demonstrated in the evidence presented. This fact was also well known to Defendants.

Despite just having the surgery, Plaintiff was made to participate in the Vocational Rehabilitation testing plan without any regard for that surgery having taken place. At no time was Plaintiff provided with an appropriate period of recovery while being subject to this process and he was without proper representation. As Plaintiff lost his job, he could not afford counsel and was self-represented. Plaintiff was forced to continue with a process wherein his ability to regain the full use of his legs was not determined, as of that date.

Plaintiff contends that not only was he suffering from the medical disability aforementioned but the effects of PTSD that contributed to his inability to fully participate in the administrative process while being not appropriately represented.

CONCLUSION

As the evidence shows, Plaintiff was injured in the line-of-duty and was forced into retirement due to being medically disqualified by the City of Baltimore on two separate occasions. In the first occurrence the result was that Plaintiff was awarded an Ordinary Disability Benefit. This award incorrectly reflected that the injury did not occur in the line-of-duty and Plaintiff was not awarded the rightful benefit that he deserved. Plaintiff appealed that determination and was reinstated to duty before the Circuit Court for Baltimore could decide on it. For Defendants to assert that Plaintiff chose to return to work rather than accept the lesser disability award is absolutely misleading and purposefully done in order to do attack his credibility because Plaintiff gave them no opportunity to attack his exemplary performance record.

On the second occurrence, causally connected to the first occurrence, Plaintiff was again ordered to retire by medical representatives of Mercy P.S.I due to the severity of the injury that he suffered to his spinal cord and the NFPA standards they were using to disqualify him that were adopted by the Baltimore City Fire Department. Despite the injury being the result of a line-of-duty injury, Defendants incorrectly

classified it as a non-line-of-duty injury, which shortened up his leave time for recovery from it to 6 months instead of the one-year provision for line-of-duty injuries. Plaintiff disputed this by filing a grievance with his union representative but it was denied. Plaintiff went forward with the plan of his physician and had the surgery performed. Despite his attempt to return to duty, Defendants refused and he was forced into the second retirement process. At a hearing for disability retirement benefits, Plaintiff was denied benefits by the same hearing examiner that ruled against him on the first occurrence. The hearing examiner was under the impression that Plaintiff was trying to circumvent his prior determination that Plaintiff was not eligible for line-of-duty retirement benefits and with the extreme bias demonstrated by him, Defendants took the process off the rails to mispresent the events surrounding the injury by withholding evidence that was material to the matter and by falsifying records. Plaintiff appealed this incorrect ruling but could not prosecute it because he was undergoing another spinal procedure and the subsequent recovery from it. Defendants withheld all of this evidence, so that it was not discoverable.

Defendants withheld the fact that this surgery was needed due to the findings of medical personnel who were conducting the Vocational Rehabilitation Program ordered by the Workers Compensation Commission. This information would have been essential in making a factual determination in the case but that was not the Defendant's intent. It was prevailing no matter what they had to do.

Upon being released after the surgery that was performed during Vocational Rehabilitation, Plaintiff attempted to reopen the appeal that was dismissed for lack of prosecution while Plaintiff was in recovery from the spinal surgery and could not participate. Plaintiff did not simply "walk away" from it, as Defendants assert. They know better than this because they were paying the bills for Plaintiff's surgery and all medical treatment associated through the award of the Workers Compensation Commission, yet this evidence was withheld in this instance, as well.

As part of the Vocational Rehabilitation, Plaintiff was informed that he had to interview for jobs that he didn't want, for ones that he was not qualified for, or for others that were for companies without a history of industry stability. Plaintiff demanded to be reinstated to his duties, in reflection of the hearing

examiner's decision that he was not disabled from his duties and the precedent set by Maryland Law.

This request was denied and Plaintiff began the exhaustion of his administrative remedies.

Defendants obstructed every attempt Plaintiff made in having this matter investigated as they provided misleading information to anyone charged with oversight in the matter. The fraudulent affidavit submitted to this Court made certain that this Court was misled, as well and Defendants use that ill-gotten decision to justify their unlawful actions. The fact of the matter is quite clear when it comes to the custody of the records associated with Baltimore City firefighter medical claims. The medical files of firefighters who had active claims who were still undergoing treatment were in the custody of the Baltimore City Solicitor. The closed claims, or files wherein firefighters were either sent back to duty or retired and were subject to Workers Compensation Commission awards for their injuries were being managed by a contractor, Comp Management. Those files were obviously never produced for any investigation or hearing associated with this entire matter.

Another interesting aspect of this case is the fact that every individual Plaintiff has named in his many complaints filed with the City of Baltimore, in pursuit of the aforementioned administrative remedies, has been fired for misconduct for demonstrating the exact behavior, as Plaintiff alleged in his complaints. However, all of Plaintiff's complaints were rejected without a reasonable explanation in writing being provided to him. From the Baltimore City Solicitor George Nilson, the Inspector General Robert Pearre, Jr., the hearing examiner Frederick McGrath, the Medical Director of PSI John Levy, MD, to Dr. Paula Lyons of Mercy PSI, are no longer employed by the City of Baltimore for demonstrating that misconduct. City Solicitor George Nilson was terminated upon the findings in the US Department of Justice investigation following the death of Freddie Gray. Inspector General Pearre was terminated due to his refusal to drop pending investigations of senior City Hall officials. Mr. Nilson and Mr. Pearre, Jr's., separations were reported as being "involuntary resignations." Mr. McGrath was terminated for his incompetence in ruling adversely on claims, Dr. James Levy, the Medical Director for PSI was terminated for interfering with the treatment of members of the Baltimore City Fire Department who were being assessed by third party medical providers. Plaintiff has attempted to obtain the emails of the Medical

Director but those requests have been denied. Dr. Paula Lyons was fired for subjecting members to drive to Mercy PSI for appointments while they were taking prescription pain medication when the department failed to send medic units to transport those members for those appointments.

Plaintiff isn't attempting to redress the failure of Defendants to award him the disability retirement benefit that he deserved, nor is he trying to redress the failure of Defendants to reinstate him to the full performance of his duties in this action. The reason Plaintiff brings this complaint is many firefighters become disabled due to suffering severe injuries in the line-of-duty. While they shouldn't have to fight for their pensions at all, Maryland law prescribes that they must. At the very least, they should be afforded an opportunity to present their cases fairly because when they are denied from receiving those benefits, the only place they can turn is to the Social Security Administration for disability benefits through the U.S. government. This means that the fraud committed on this Court is also forwarded on to the taxpayers of the United States of America.

Therefore, it is Plaintiff's intent to cause the Clerk of this Court to enter a Default Judgment against Defendants, in the alternative to order this matter for discovery, so as to encourage Defendants to participate in this action against them and present this full matter for the Court's consideration of all of the facts, not just the version Defendants want to project.

Respectfully,

Brian Charles Vaeth
8225 Poplar Mill Road
Nottingham, Maryland 21236
443-604-0610

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BRIAN CHARLES VAETH

Plaintiff,

v.

Case No. ELH-18-1600

**MAYOR & CITY COUNCIL OF BALTIMORE,
FIRE & POLICE EMPLOYEES' RETIREMENT
SYSTEM OF BALTIMORE**

Defendants,

**AFFIDAVIT IN SUPPORT OF
MOTION FOR ENTRY OF DEFAULT JUDGMENT**

Plaintiff, Brian Charles Vaeth, hereby affirms the following:

1. I am pro se in the above entitled action and I am familiar with the files, records, and pleadings in this matter
2. The summons and complaint were filed on June 4, 2018.
3. Defendants were served with a copy of the summons and complaint on June 19, 2018, as reflected on the docket sheet by the proof of service filed on July 15, 2018.
4. An answer to the complaint was due on July 10, 2018.
5. Defendants have failed to appear, plead or otherwise defend within the time allowed and, therefore, are now in default.
6. Plaintiff requests that the clerk of the court enter a default judgment against the Defendants.

Dated this 27th day of July 2018

Respectfully,

Brian Charles Vaeth
8225 Poplar Mill Road
Nottingham, Maryland 21236
443-604-0610

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BRIAN CHARLES VAETH

Plaintiff,

v.

Case No. ELH-18-1600

**MAYOR & CITY COUNCIL OF BALTIMORE,
FIRE & POLICE EMPLOYEES' RETIREMENT
SYSTEM OF BALTIMORE**

Defendants,

PLAINTIFF'S EXHIBIT LIST

The following list of exhibits have been introduced in the complaint:

Exhibit:

1. Compliance with the LGTCA notification provision.
2. Record Before the Panel of Hearing Examiners for the F&PERS.
3. Decision of the Hearing Examiner for the F&PERS Sept. 2000.
4. Appeal of the Decision of the Hearing Examiner Oct. 2000.
5. Decision of the Hearing Examiner for the F&PERS Aug. 2003.
6. Appeal of the Decision of the Hearing Examiner Oct. 2003.
7. Affidavit of Division Chief of Administration & Support, Rod Devilbiss, Jr.
8. Workers Compensation Commission Settlement, Aug. 2006
9. U.S. District Court Hearing Transcript RDB-08-708.
10. Supplemental Letter of Balto. Assistant City Solicitor Abraham Schwartz to the
11. Hearing Examiner Aug. 11, 2003.
12. Email of Chief William Goodwin, Jr. Nov. 19, 2009.
13. Email of Cassandra Stewart, Director of Constituent Services for Mayor Stephanie Rawlings-Blake Mar. 16, 2009.
14. Petty v. City of Baltimore 24-C-16-000312 Balto. City Circuit Court.

The following evidence is being introduced with the Motion for Default Judgment:

Exhibit:

1. Baltimore Sun Newspaper Article "City Aching Over Abuse of Paid Medical Leaves" Neal Thompson 2/25/2001.
2. Baltimore Sun Newspaper Article "Health Services to be Privatized" Laura Vozzella 8/15/2002.
3. Baltimore Sun Newspaper Article "Company's Mistake Creates Pay Delays for City Workers" Tom Pelton 12/17/2002.
4. Baltimore Sun Newspaper Article "Workers' Comp Reform Pays Off" Laura Vozzella 1/25/2005.

5. FBI Status Report
6. Complaint to the Baltimore City Office of Civil Rights August 2016.
7. Complaint to the Baltimore City Inspector General February. 2017.
8. Letter of the Balto. Police Commissioner
9. Baltimore Brew “How Baltimore’s Inspector General’s office get defanged.” Mark Ruetter Dec. 22, 2017
10. “Final Thoughts” BCFD Deputy Chief Safety and Risk Management Duane Dodwell

The following evidence Plaintiff intends to introduce at a hearing in relation to his Motion for

Default Judgment or at a trial on the merits of his complaint:

Proposed Exhibit:

1. Undated Letter to the Mayor & City Council of Baltimore.
2. Letter Alex Katzenberg, Esq. to Dr. John Rybock June 11, 1999.
3. Letter Alex Katzenberg, Esq. to Dr. James Levy, PSI July 2, 1999.
4. Letter Alex Katzenberg, Esq. to City Solicitor Stanley Rogosin February 18, 2000.
5. Letter Alex Katzenberg, Esq. to Workers Compensation Commission Apr. 7, 2000.
6. Letter Alex Katzenberg, Esq. to City Solicitor’s Office Herbert Burgunder May 4, 2000.
7. Letter Alex Katzenberg, Esq. to Plaintiff May 8, 2000.
8. Letter Alex Katzenberg, Esq. to Plaintiff May 8, 2000.
9. Letter Alex Katzenberg, Esq. to Plaintiff May 24, 2000.
10. Letter Alex Katzenberg, Esq. to Workers Comp Commission May 30, 2000
11. Evaluation of Dr. Douglas Shepard May 25, 2000.
12. Letter F&PERS to Plaintiff May 8, 2000.
13. Letter F&PERS to Plaintiff June 5, 2000.
14. Letter Alex Katzenberg, Esq. to Plaintiff July 14, 2000.
15. Letter Balto. City Dept. of Personnel to Plaintiff July 14, 2000.
16. Letter Alex Katzenberg, Esq. to Plaintiff July 18, 2000.
17. Letter F&PERS to Alex Katzenberg, Esq. July 28, 2000.
18. Letter F&PERS to Plaintiff Aug. 2, 2000.
19. Letter F&PERS to Plaintiff Aug. 2, 2000.
20. Letter to F&PERS from Alex Katzenberg, Esq. Aug. 3, 2000.
21. Letter F&PERS to Plaintiff Aug. 7, 2000.
22. Letter to F&PERS from Alex Katzenberg, Esq. Aug. 8, 2000.
23. Letter F&PERS to Plaintiff Aug. 10, 2000.
24. Letter Alex Katzenberg, Esq. to Plaintiff Aug. 11, 2000.
25. Letter F&PERS to Plaintiff Aug. 14, 2000.
26. Letter Alex Katzenberg, Esq. to Plaintiff Aug. 14, 2000.
27. Letter Alex Katzenberg, Esq. to Plaintiff Sept. 20, 2000.
28. Letter F&PERS to Plaintiff Sept. 21, 2000.
29. Letter Alex Katzenberg, Esq. to Plaintiff Sept. 25, 2000.
30. Letter Alex Katzenberg, Esq. to Plaintiff Sept. 25, 2000.
31. Letter F&PERS to Plaintiff Oct. 3, 2000.
32. Letter Balto. City Dept. of Personnel to Plaintiff July 14, 2000.
33. Letter Alex Katzenberg, Esq. to Plaintiff Oct. 11, 2000.
34. Letter Alex Katzenberg, Esq. to Plaintiff Oct. 17, 2000.
35. Letter Alex Katzenberg, Esq. to City Solicitor Avery Mueller Oct. 11, 2000.
36. Letter F&PERS to Plaintiff Oct. 25, 2000.
37. Letter Rehabilitation Perspectives to Plaintiff Oct. 3, 2000.

38. Letter Balto. City Dept. of Personnel to Plaintiff Dec. 31, 2000.
39. BCFD Special Report Plaintiff to Chief of Fire Dept. Jan. 16, 2001.
40. Letter Balto. City Dept. of Personnel to Plaintiff Jan. 28, 2000.
41. Letter Alex Katzenberg, Esq. to Workers Comp Commission Jan. 30, 2001.
42. Letter Alex Katzenberg, Esq. to Plaintiff Feb. 26, 2001.
43. Letter Alex Katzenberg, Esq. to Plaintiff Feb. 26, 2001.
44. Letter Alex Katzenberg, Esq. to Plaintiff May 14, 2001.
45. Letter Alex Katzenberg, Esq. to Plaintiff Apr. 9, 2001.
46. Letter Alex Katzenberg, Esq. to Plaintiff Apr. 12, 2001.
47. Letter Alex Katzenberg, Esq. to Plaintiff May 7, 2001.
48. Letter Alex Katzenberg, Esq. to Plaintiff June 5, 2001.
49. Letter Alex Katzenberg, Esq. to Workers Comp Commission Jan. 30, 2001.
50. Letter Alex Katzenberg, Esq. to Workers Comp Commission June 7, 2001.
51. Letter Alex Katzenberg, Esq. to Plaintiff July 3, 2001.
52. Letter Alex Katzenberg, Esq. to Plaintiff Aug. 10, 2001.
53. Letter Alex Katzenberg, Esq. to Plaintiff Nov. 6, 2001.
54. Letter Alex Katzenberg, Esq. Sept. 17, 2002.
55. Letter Antonio Thomas Assistant Chief BCFD to Plaintiff Nov. 12, 2002.
56. Letter Alex Katzenberg, Esq. to Comp Management Dec. 2, 2002.
57. Letter Alex Katzenberg, Esq. to Plaintiff Dec. 2, 2002.
58. Letter F&PERS to Plaintiff Dec. 10, 2002.
59. Certified Letter F&PERS to Plaintiff Jan. 2, 2003.
60. Letter Alex Katzenberg, Esq. to Comp Management Jan. 27, 2003.
61. Letter F&PERS to Plaintiff Jan. 30, 2003.
62. Certified Letter F&PERS to Plaintiff Feb. 20, 2003.
63. Letter Alex Katzenberg, Esq. to Plaintiff Feb. 26, 2003.
64. Letter F&PERS to Plaintiff Mar. 20, 2003.
65. Letter Alex Katzenberg, Esq. to Plaintiff Apr. 14, 2003.
66. Letter Alex Katzenberg, Esq. to Workers Comp Commission Apr. 21, 2003.
67. Letter Alex Katzenberg, Esq. to Plaintiff Apr. 23, 2003.
68. Letter F&PERS to Plaintiff May 8, 2003.
69. Letter F&PERS to Plaintiff May 14, 2003.
70. Letter F&PERS to Plaintiff May 14, 2003.
71. Handwritten Letter to Sharon Garcia F&PERS June 4, 2003.
72. Letter Alex Katzenberg, Esq. to Plaintiff July 18, 2003.
73. Letter F&PERS to Plaintiff July 30, 2003.
74. Letter Alex Katzenberg, Esq. to Plaintiff Mar. 31, 2004.
75. Letter Alex Katzenberg, Esq. to Plaintiff Apr. 8, 2004.
76. Letter Alex Katzenberg, Esq. to Plaintiff May 12, 2004.
77. Letter Alex Katzenberg, Esq. to Plaintiff Jan. 28, 2005.
78. Letter Alex Katzenberg, Esq. to Plaintiff Feb. 4, 2005.
79. Letter Alex Katzenberg, Esq. to Plaintiff Mar. 3, 2005.
80. Letter to Chief of Fire Dept. William Goodwin, Jr. July 21, 2005.
81. Letter Chief of Fire Dept. William Goodwin, Jr. to Plaintiff Aug. 4, 2005.
82. Letter to Baltimore City Mayor Sheila Dixon February 24, 2007.
83. Letter to Baltimore City Mayor Sheila Dixon July 19, 2007.
84. Email of Robert Maloney, Director Balto City Dept of Emergency Management Aug. 22, 2007.
85. Letter to Baltimore City Mayor Sheila Dixon & the Baltimore City Council Sept. 18, 2007.

86. Letter to Baltimore City Mayor Sheila Dixon & the Baltimore City Council Sept. 21, 2007.
87. Email Chain of Stephan Fugate, Chmn. F&PERS Sept. 27, 2007.
88. Letter to Thomas P. Taneyhill, Executive Director F&PERS Nov. 28, 2007.
89. Email of Stephan Fugate, Chmn. F&PERS Sept. 28, 2007.
90. Email of Stephan Fugate, Chmn. F&PERS Oct. 2, 2007
91. Email of Stephan Fugate, Chmn. F&PERS Nov. 13, 2007.
92. Handwritten Letter to Stephan Fugate, Chmn. F&PERS Nov. 28, 2007.
93. Notice of Claim Form MD State Treasurer
94. Letter Mayor Stephanie Rawlings-Blake Mar. 26, 2008.
95. Email to Sabrina Willis, City Solicitor's Office Aug. 17, 2009.
96. EEOC Complaint City Response Aug. 12, 2009.
97. Letter from IAFF President Harold Schaitberger Sept. 22, 2009
98. Letter from Sabrina Willis, City Solicitor's Office Nov. 25, 2009.
99. Email to the Baltimore Sun, Julie Scharper Dec. 13, 2009.
100. Response from Baltimore City Board of Ethics Aug. 26, 2010.
101. EEOC Response & Right to Sue Letter Oct. 19, 2010.
102. Letter Baltimore City Inspector General David McClintock. Oct. 25, 2010.
103. Letter from Balto. Office of Civil Rights & Wage Enforcement. Nov. 22, 2010.
104. Email to Sabrina Willis, City Solicitor's Office July 5, 2011.
105. Letter U.S. Dept. of Justice Office of Civil Rights July 27, 2012.
106. EEOC Inquiry Letter Aug. 21, 2012.
107. Letter from Balto. City Board of Ethics. Jan. 8, 2013.
108. Letter to MD Attorney General Doug Gansler July 29, 2013.
109. Letter to Balto. City State's Attorney General Greg Bernstein Aug. 11, 2013.
110. Letter to Attorney General for MD Aug. 15, 2013.
111. Letter to Balto. City Circuit Court Judge Marcella Holland Sept. 22, 2013.
112. Letter to James Comey FBI Director June 19, 2014.
113. Letter to Maryland General Assembly Jan 21, 2015.
114. Letter to Balto. City Circuit Court Judge Michel Pierson Apr. 13, 2015.
115. Letter to Maryland State Prosecutor Apr. 20, 2015.
116. Letter to Balto. City Circuit Court Judge Timothy J. Doory Oct. 9, 2015.
117. Complaint to Judicial Disabilities Commission Oct. 2015
118. Letter to the Baltimore City Council June 22, 2016.
119. Letter from Attorney Grievance Commission July 6, 2016.
120. Letter to Baltimore City Mayor & Officials Aug. 10, 2016.
121. Letter Balto. City Solicitor's Office Benjamin Bor Sept. 16, 2016
122. Letter to Baltimore City Mayor Catherine Pugh Dec. 19, 2016.
123. Letter to the Baltimore City Council President Bernard "Jack" Young Apr. 26, 2018.
124. Letter to the Baltimore City Councilman Ryan Dorsey Apr. 30, 2018.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

BRIAN CHARLES VAETH

Plaintiff,

v.

Case No. ELH-18-1600

**MAYOR & CITY COUNCIL OF BALTIMORE,
FIRE & POLICE EMPLOYEES' RETIREMENT
SYSTEM OF BALTIMORE**

Defendants,

CERTIFICATE OF SERVICE

I, Brian Charles Vaeth, hereby certify that a copy of the foregoing request of the court clerk for Entry of Default Judgment against Defendants has been mailed to counsel for the City of Baltimore via USPS first class, postage prepaid, this 18th day of June 2018.

Respectfully,

Brian Charles Vaeth
8225 Poplar Mill Road
Baltimore, Maryland 212360
(410) 931-4423